

RESOLUTION No. 2004-116-167

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES WITH JUDSON AND PARTNERS ARCHITECTS, RELATED TO THE CAROL CITY CENTER PROJECT, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR A WAIVER/EXEMPTION OF COMPETITIVE BIDDING; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 1, 1999, Judson and Partners Architects ("Judson and Partners") entered into an Agreement with Miami-Dade County for consulting and professional services pursuant to §287.055, Florida Statutes, ("Professional Services Agreement"), and

WHEREAS, pursuant to the Professional Services Agreement, Judson and Partners provided certain architectural and engineering services related to the Carol City Youth, Education And Sports Center ("Carol City Center"), and

WHEREAS, Miami-Dade County has transferred Carol City Center to Miami-Gardens, and

WHEREAS, Judson and Partners has completed Phases I, II and III of the Carol City Center Project and Miami-Dade County has paid Judson and Partners for its services for Phases I, II and III, and

WHEREAS, the Carol City Center Project is ongoing, and Phases IV and V of that Project remain outstanding, and

WHEREAS, Phases IV and V of the Professional Services Agreement include the bid phase assistance element and the construction administration element, and

WHEREAS, in light of the fact that Judson and Partners provided the architectural and engineering services on the Project (Phases I, II and III), it would seem prudent for

CONTRACTOR to complete the final Phases of that Project, and

WHEREAS, City Staff has confirmed that Miami-Dade County complied with the competitive bid requirements of §287.055, Florida Statutes (CCNA), and

WHEREAS, pursuant to Article 5 of the City's Purchasing Ordinance, the City Council may authorize a waiver of competitive bidding procedures upon the recommendation of the City Manager that is in the City's best interest to do so, and

WHEREAS, pursuant to Article 6(c) of the City's Purchasing Ordinance, purchases made by other governmental contracts or competitive bids with other governmental agencies are exempt from competitive bidding requirements, and

WHEREAS, pursuant to Article 6(e) of the City's Purchasing Ordinance, under circumstances where time constraints do not permit the preparation of clearly drawn specifications, the City Council has the authority to provide an exemption from competitive bidding, and

WHEREAS, the City Council believes that, based upon the recommendation of the City Manager, it is in the best interest of the City to provide a waiver/exemption from the competitive bid requirements, and to enter into an agreement with Miami-Dade County and Judson and Partners to complete the remainder of the Professional Services Agreement,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORITY: The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, that certain Agreement with Judson and Partners for


professional consulting services related to the Carol City Center Project, a copy of which is attached hereto as **Exhibit A**.

Section 3.           INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain three (3) fully executed copies of the subject Agreement, with one to be maintained by the City; with one to be delivered to Judson and Partners Architects, and with one to be directed to the Office of City Attorney.

Section 4.           WAIVER/EXEMPTION: City Council authorizes a waiver/exemption from the competitive bidding requirements of Ordinance No. 2004-17, the City's Purchasing Ordinance, based upon the recommendation of the City Manager.

Section 5.           EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON NOVEMBER 10, 2004.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA K. KNIGHTON, ESQ.  
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Vice Mayor Campbell  
SECONDED BY: Councilwoman Watson

**VOTE: 6-1**

Mayor Gibson	<u>  x  </u> (Yes)	<u>    </u> (No)
Vice Mayor Campbell	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilman Melvin L. Bratton	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilman Oscar Braynon, II	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilwoman Audrey J. King	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilwoman Sharon Pritchett	<u>    </u> (Yes)	<u>  x  </u> (No)
Councilwoman Barbara Watson	<u>  x  </u> (Yes)	<u>    </u> (No)

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**AGREEMENT FOR CONSULTING AND PROFESSIONAL**

**THIS AGREEMENT** is made as of this 10 day of November, 2004, by and between the City of Miami Gardens, Florida (hereinafter referred to as "CITY") a municipal corporation organized and existing under the laws of the State of Florida, and Judson and Partners Architects, a Florida corporation (hereinafter referred to as "CONTRACTOR").

**W I T N E S S E T H:**

WHEREAS, on June 1, 1999, CONTRACTOR entered into an Agreement with Miami-Dade County for consulting and professional services pursuant to §287.055, Florida Statutes, ("Professional Services Agreement"), and

WHEREAS, pursuant to the Professional Services Agreement, CONTRACTOR provided certain architectural and engineering services related to the Carol City Youth, Education And Sports Center ("Carol City Center"), and

WHEREAS, Miami-Dade County has transferred Carol City Center to Miami-Gardens, and

WHEREAS, CONTRACTOR has completed Phases I and II of the Carol City Center Project and Miami-Dade County has paid CONTRACTOR for its services for Phases I and II, and

WHEREAS, the Carol City Center Project is ongoing, and Phases III, IV and V of that Project remain outstanding, and

WHEREAS, Phases III, IV and V of the Professional Services Agreement include the construction documents, bid phase assistance element and the construction administration element, and

WHEREAS, in light of the fact that CONTRACTOR provided the architectural and engineering services on the Project (Phases I and II), it would seem prudent for CONTRACTOR to

complete the final Phases of that Project, and

WHEREAS, City Staff has confirmed that Miami-Dade County complied with the competitive bid requirements of §287.055, Florida Statutes (CCNA), and

WHEREAS, pursuant to Article 5 of the City's Purchasing Ordinance, the City Council may authorize a waiver of competitive bidding procedures upon the recommendation of the City Manager that is in the City's best interest to do so, and

WHEREAS, pursuant to Article 6(c) of the City's Purchasing Ordinance, purchases made by other governmental contracts or competitive bids with other governmental agencies are exempt from competitive bidding requirements, and

WHEREAS, pursuant to Article 6(e) of the City's Purchasing Ordinance, under circumstances where time constraints do not permit the preparation of clearly drawn specifications, the City Council has the authority to provide an exemption from competitive bidding, and

WHEREAS, the City Council believes that, based upon the recommendation of the City Manager, it is in the best interest of the City to provide a waiver/exemption from the competitive bid requirements, and to enter into an agreement with CONTRACTOR to complete the remainder of the Professional Services Agreement,

NOW, THEREFORE, for and in consideration of Ten (\$10.00) Dollars and other valuable consideration received,

1. The CONTRACTOR and CITY agree that all of the remaining responsibilities and obligations of the COUNTY pursuant to the Professional Services Agreement, and all Addendums thereto, attached hereto as Exhibit "A," incorporated herein by reference, and made a specific part hereof, shall hereafter be undertaken by the CITY, and all of the remaining responsibilities and obligations of the CONTRACTOR pursuant to the Professional Services Agreement shall be undertaken by CONTRACTOR in favor of the CITY.

2. The parties acknowledge and agree that this Agreement is limited to Phases III, IV and V of the Carol City Center Project, incorporated herein by reference, and made a specific part hereof.
3. All policies of certificates of insurance required pursuant to the Professional Services Agreement shall be amended to provide that the CITY shall be an additional insured.
4. The parties acknowledge and agree that the CITY shall have no obligation, including payment of any sums to CONTRACTOR, for any services performed by CONTRACTOR prior to execution of this Agreement.
5. All notices required pursuant to the Professional Services Agreement shall be sent via certified mail, return receipt requested and shall be mailed to:

**CITY:** City of Miami Gardens  
1515 Northwest 167th Street  
Building 5, Suite 200  
Miami Gardens, Florida 33169  
Attn: Danny O. Crew, City Manager

**With a copy to:** Sonja K. Knighton, Esq.  
James C. Brady & Associates  
501 Northeast 8th Street  
Fort Lauderdale, Florida 33304

**CONTRACTOR:** Judson and Partners Architects  
155 South Miami Avenue, PH 1-C  
Miami, Florida 33130

6. Should any dispute arise hereunder, the prevailing party shall be entitled to recover against the non-prevailing party all costs, expenses and attorneys fees incurred by the prevailing party in such dispute, whether or not suit be brought and such rights shall include all of such costs, expenses and attorneys fees throughout all appeals or actions. Venue for all such proceedings shall be in Miami-Dade County, Florida.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seal the day and year set forth below their respective signatures.

**CITY OF MIAMI GARDENS**

  
**SHIRLEY GIBSON, MAYOR**

**Date:** 01/07/05

ATTEST:

Ronetta Taylor  
City Clerk,  
RONETTA TAYLOR, CMC

Approved As To Form and Legal  
Sufficiency:

Sonja K. Knighton  
SONJA K. KNIGHTON, CITY ATTORNEY

JUDSON AND PARTNERS ARCHITECTS

ATTEST:

By: Clyde W. Judson Jr. Date: 01.07.05

Name: Clyde W. Judson Jr.

Title: President

(SEAL)

SKK/bfc

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